



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,482	02/14/2000	Yoshinori Takahashi	35.G1872D	6662

5514 7590 08/25/2004

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

GARCIA, GABRIEL I

ART UNIT PAPER NUMBER

2624

DATE MAILED: 08/25/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

# Office Action Summary

Application No.

09/503,482

Applicant(s)

TAKAHASHI, YOSHINORI

Examiner

Gabriel I Garcia

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 45,46,48,49 and 51-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 45,46,48,49 and 51-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 45,46,48,49 and 51-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki (U.S. 5,228,118) in view of Gase et al (U.S. 5,580,177).

As to claim 45, Sasaki discloses an information processing apparatus (reads on the data processing device) comprising: an inquirer circuit (see figures 1-2: inquiring means) adapted for making an inquiry about a printer language (e.g. language interpreter) supported by the printer (see figures 1 and 2) connected to the network by sending an inquiry about information to the network (reads on col. 9, lines 53-65); and a receiver (see column 2, line 60 to column 3, line 13, and/or fig. 4) adapted for receiving information about the printer language supported by the printer, wherein the information about the printer language is sent in response to the inquiry (see column

2, line 60 through column 3, line 13). Sasaki discloses changing of the printer from one type to another (see column 2, lines 3-4 and 49-50), and sending a broadcast inquiry to the printer(s) connected to the network (reads on col. 9, lines 53-65).

However, Sasaki does not teach a determiner adapted to determine a presence or an absence of a printer selected by a user connected to a network by inquiring information of the network and activating a function by selection of a printer.

Gase et al (in the same field of endeavor "network printing" teaches a printing network having a plurality of clients (10, 12 and 14) connected to a server (16), and the server (16) is further connected to a plurality of printers (18, 20 and 22) (see figure 1). Gase et al teaches a determiner adapted to send an inquiry (e.g. an inquiry circuit) about information to a network in order to determine a presence or an absence of a printer selected by a user connected to the network (see col. 1, lines 43-48, col. 4, lines 35-37, and col. 5. Line 64 thru col. 6, line 17, the selected printer by the user reads on col. 6, lines 45-52); and making an inquiry about a printer language supported by the new added printer connected to the network if the determiner determines the presence of the new added printer connected to the network (i.e., if a new printer is added or connected to the network, a new printer driver must be installed on the client host computer, so that the client will be able to use or print on

the newly added printer) (see col. 1, lines 43-48 and col. 6, lines 3-17), activating the inquiry circuit and receiver in response to a selection of a printer (e.g. col. 6, lines 45-52 and col. 8, lines 28-49, by selecting a printer the inquiry is activate).

Therefore, it would have been obvious to one person having ordinary skill in the art at the time the invention was made to have modified Sasaki wherein: the information processing apparatus includes a determiner adapted for determining a presence or an absence of a printer selected by the user connected to a network by sending an inquiry, and wherein the inquiry circuit is adapted for making an inquiry about a printer language supported by the printer connected to the network if the determination circuit determines the presence of the printer is connected to the network, and activating the inquiry.

It would have been obvious to one person having ordinary skill in the art at the time the invention was made to have modified network printing system of Sasaki by the teaching of Gase et al because of the following reason(s): (1) to allow the user to know if the selected printer is currently connected to the network and available to receive a job; (2) for the reasons taught by Gase et al (see column 1, lines 43-48 and col. 4, lines 35-37); (3) to determine when the printers available at the host computer are available or unavailable; and (3) to determine when

a newly added printer is added or connected to the network, so that the network, clients or the users, will be aware of the newly added or connected printer, and to inquire as to what kind of printer language is supported by the newly added printer, therefore, the users or clients will be able to use or employ the newly added or connected printer.

As to claim 46, Sasaki as modified discloses wherein the determiner determines a presence or an absence of a new printer connected to the network by inquiring about management information base information to the network (see Gase et al, see column 1, lines 43-48).

As to claims 48-49, Sasaki discloses an information processing method. The steps of method claims 48-49 claim subject matter corresponding to and similar to the claimed limitations that are found in the information processing apparatus claims of claims 45-46. Therefore, claims 48-49 are similarly rejected.

As to claims 51-53, Sasaki discloses a computer-readable storage medium for storing a program for implementing an information processing method. The program codes of the computer-readable storage medium of claims 51-53 claim subject matter corresponding to and similar to the claimed limitations that are found in the information processing apparatus claims of claims 45-47. Therefore, claims 51-53 are similarly rejected.

As to claims 54-55, Gase et al teaches a determiner adapted

for determining a presence or an absence of a printer connected to a network periodically or to a user's instruction (see column 1, lines 43-64, the user has to send the inquiry by running the NetWare software, which can be run periodically). Therefore, It would have been obvious to one person having ordinary skill in the art at the time the invention was made to have modified Sasaki by the teaching of Gase et al because of the following reason(s): (1) for the reasons taught by Gase et al (see column 1, lines 43-48); and (2) to determine when a newly added printer is added or connected to the network, so that the network or the clients or the users, will be aware of the newly added or connected printer, and to inquire as to what kind of printer languages are supported by the newly added printer, therefore, the users or clients will be able to use or employ the newly added or connected printer.

As to claims 56-57, Sasaki discloses wherein the printer language is used to represent a print job, and the print data is converted according to the printer language supported by the printer, so that the printer can interpret the print data (i.e. col. 6, lines 46-65).

As to claims 58-61, Sasaki discloses an information processing method. The steps of method claims 58-61 claim subject matter corresponding to and similar to the claimed limitations that are found in the information processing apparatus claims of claims

54-57. Therefore, claims 58-61 are similarly rejected.

As to claims 62-65, Sasaki discloses a computer-readable storage medium for storing a program for implementing an information processing method. The program codes of the computer-readable storage medium of claims 62-65 claim subject matter corresponding to and similar to the claimed limitations that are found in the information processing apparatus claims of claims 54-57. Therefore, claims 62-65 are similarly rejected.

#### **Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the



Serial Number: 09/503,482

Art Unit: 2624

statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Applicant's argument(s) in view of amendment filed on 6/4/04 have been fully considered but they are not persuasive.

Applicant's argument(s) concerning the amended claim(s) has been addressed within the body of the rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (703) 305-8751.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-0377.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

(703) 872-9306 (official or unofficial)

Gabriel I. Garcia  
Primary Examiner  
August 21, 2004



GABRIEL GARCIA  
PRIMARY EXAMINER